

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 186

SENATE BILL 1095

AN ACT

AMENDING SECTIONS 25-351, 25-403.02 AND 25-403.05, ARIZONA REVISED STATUTES;
RELATING TO CHILD CUSTODY AND VISITATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-351, Arizona Revised Statutes, is amended to
3 read:

4 25-351. Domestic relations education; plan; administration

5 A. ~~On or before January 1, 1997,~~ The superior court in each county
6 shall adopt and implement an educational program for the purpose of educating
7 persons about the impacts that divorce, the restructuring of families and
8 judicial involvement have on children.

9 B. The supreme court shall adopt minimum standards for educational
10 programs. The presiding judge of the superior court in each county shall
11 submit an educational program plan to the supreme court for approval. The
12 plan shall be consistent with the minimum standards that are adopted by the
13 supreme court, including the length and nature of the program, the
14 qualifications of program providers and the means by which the program will
15 be evaluated and maintained. EACH PROGRAM SHALL ALSO INCLUDE INFORMATION
16 REGARDING THE NOTIFICATION REQUIREMENTS OF SECTION 25-403.05, SUBSECTION B.

17 C. The presiding judge of the superior court or a judge who is
18 designated by the presiding judge shall administer the program in each county
19 and may provide or contract with political subdivisions in this state or
20 private entities to provide the program to participants who are required to
21 attend.

22 Sec. 2. Section 25-403.02, Arizona Revised Statutes, is amended to
23 read:

24 25-403.02. Parenting plans

25 A. Before an award is made granting joint custody, the parents shall
26 submit a proposed parenting plan that includes at least the following:

27 1. Each parent's rights and responsibilities for the personal care of
28 the child and for decisions in areas such as education, health care and
29 religious training.

30 2. A schedule of the physical residence of the child, including
31 holidays and school vacations.

32 3. A procedure by which proposed changes, disputes and alleged
33 breaches may be mediated or resolved, which may include the use of
34 conciliation services or private counseling.

35 4. A procedure for periodic review of the plan's terms by the parents.

36 5. A statement that the parties understand that joint custody does not
37 necessarily mean equal parenting time.

38 6. A STATEMENT THAT EACH PARTY HAS READ, UNDERSTANDS AND WILL ABIDE BY
39 THE NOTIFICATION REQUIREMENTS OF SECTION 25-403.05, SUBSECTION B.

40 B. If the parents are unable to agree on any element to be included in
41 a parenting plan, the court shall determine that element. The court may
42 determine other factors that are necessary to promote and protect the
43 emotional and physical health of the child.

1 Sec. 3. Section 25-403.05, Arizona Revised Statutes, is amended to
2 read:

3 25-403.05. Sexual offenders; murderers; custody and parenting
4 time; notification of risk to child

5 A. Unless the court finds that there is no significant risk to the
6 child and states its reasons in writing, the court shall not grant a person
7 sole or joint physical or legal custody of a child or unsupervised parenting
8 time with a child if the person:

9 1. Is a registered sex offender.

10 2. Has been convicted of murder in the first degree and the victim of
11 the murder was the other parent of the child who is the subject of the order.
12 In making its finding, the court may consider, among other factors, the
13 following:

14 (a) Credible evidence that the convicted parent was a victim of
15 domestic violence, as defined in section 13-3601, committed by the murdered
16 parent.

17 (b) Testimony of an expert witness that the convicted parent suffered
18 trauma from abuse committed by the murdered parent.

19 B. A CHILD'S PARENT OR CUSTODIAN MUST IMMEDIATELY NOTIFY THE OTHER
20 PARENT OR CUSTODIAN IF THE PARENT OR CUSTODIAN KNOWS THAT A CONVICTED OR
21 REGISTERED SEX OFFENDER OR A PERSON WHO HAS BEEN CONVICTED OF A DANGEROUS
22 CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705 MAY HAVE ACCESS TO THE
23 CHILD. THE PARENT OR CUSTODIAN MUST PROVIDE NOTICE BY FIRST CLASS MAIL,
24 RETURN RECEIPT REQUESTED, BY ELECTRONIC MEANS TO AN ELECTRONIC MAIL ADDRESS
25 THAT THE RECIPIENT PROVIDED TO THE PARENT OR CUSTODIAN FOR NOTIFICATION
26 PURPOSES OR BY OTHER COMMUNICATION ACCEPTED BY THE COURT.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.